

Allen Owen, Mayor
Eunice Reiter, Mayor Pro Tem
Jerry Wyatt, Councilmember
Barbara Gibson, Councilmember



Buddy Jimerson, Councilmember
Brett Kolaja, Councilmember
Cynthia Gary, Councilmember
Caroline Kelley, City Attorney
Frank Simpson, City Manager
Patrice Fogarty, City Secretary

CITY COUNCIL MEETING MINUTES

City Council of the City of Missouri City, Texas, met in regular session **Monday, January 5, 2009**, at the City Hall Council Chambers, Second Floor, 1522 Texas Parkway, Missouri City, Texas, at **7:00 p.m.** to consider the following:

1. ROLL CALL

Mayor Owen called the meeting to order at 7:12 p.m.

Those also present: Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja; City Manager Simpson, City Attorney Kelley, and City Secretary Fogarty.

2. PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* was led by the Missouri City Police Department Honor Guard.

3. PRESENTATIONS AND RECOGNITIONS

Mayor Owen recognized **Police Chief Echols** for his 28 years and 9 months of service to the City of Missouri City and on his **retirement**; and presented the **Clean Restaurant Awards** to local establishments.

4. CONSENT AGENDA

- (a) Consider approving the **minutes** of the **regular and special** City Council meeting of **December 15, 2008**.
- (b) Consider authorizing the purchase of a **storm drain flushing machine**.
- (c) Consider authorizing the City Manager to execute a change order to the **Professional Services Agreement with Jeffrey D. Blume, Ltd.**

Councilmember Gary moved to approve the Consent Agenda pursuant to recommendations by Staff. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

5. APPOINTMENTS

There were no Appointments at this time.

6. AUTHORIZATIONS BY COUNCIL

- (a) Consider authorizing the **termination** of the **contract with Hawes Hill Calderon, LLP** for services related to the creation of Reinvestment Zones, Public Improvement Districts and Redevelopment Authority.

Councilmember Wyatt moved to authorize the **termination** of the **contract with Hawes Hill Calderon, LLP** for services related to the creation of Reinvestment Zones, Public Improvement Districts and Redevelopment Authority. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

- (b) Consider authorizing applying for a **grant** through **Homeland Security – UASI** for approximately **\$800,000** to **upgrade police radio consoles to digital status** to facilitate technological growth in the coming years.

Councilmember Gibson moved to authorize the Missouri City Police Department to apply for a **grant** through **Homeland Security – UASI** for approximately **\$800,000** to **upgrade police radio consoles to digital status**. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (c) Authorize the Mayor to negotiate and enter into an agreement with **Texas Government Solutions/John Greytok** for **legislative consulting services**.

Rodrigo Carreon, 1122 Ave. C, Fresno, TX, spoke in support of the City's agreement with Texas Government Solutions for legislative consulting services.

Councilmember Jimerson moved to authorize the Mayor to negotiate and enter into an agreement with **Texas Government Solutions/John Greytok** for **legislative consulting services**. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

7. PUBLIC COMMENTS

There were no Public Comments at this time.

8. PUBLIC HEARINGS

There were no Public Hearings at this time.

9. PUBLIC HEARINGS AND CONSIDERATION OF ZONING ORDINANCES

- (a) Public hearing to receive comments for or against a request by CS Carroll on behalf of **Opus West Corporation, LLC**, to amend Ordinance O-07-40 pertaining to PD, Planned Development District No. 66 to allow for deviations to the City's Zoning Ordinance for the development of a **Spring Creek Barbeque Restaurant**; providing a penalty; providing for severability; and to **consider the ordinance on the second and final reading**. The subject site is located northwest of the intersection of State Highway 6 and Colonial Lakes Drive, south of the Kids R Kids Learning Center and west of the Goodwill Store and Oyster Creek Plantation Subdivision.

The public hearing opened at 7:50 p.m. With no comments, the public hearing closed at 7:51 p.m.

Councilmember Gibson moved to approve the request by CS Carroll on behalf of **Opus West Corporation, LLC**, to amend Ordinance O-07-40 pertaining to PD, Planned Development District No. 66 to allow for deviations to the City's Zoning Ordinance for the development of a **Spring Creek Barbeque Restaurant on the second and final reading**. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (b) Public hearing to receive comments for or against a request by **Cesar Corrales of Ted Trout Architect and Associates, Ltd.**, on behalf of the BW8 200, LP, to rezone an approximately 7.712-acre tract of land from MF-1, Multifamily Residential District to PD, Planned Development District to allow for deviations to the City's Zoning Ordinance to locate an **age-restricted, senior living development**; providing a penalty; providing for severability; and to **consider the ordinance on the first of two readings**. The subject site is located southeast of the intersection of S. Gessner Road. and Beltway 8 and west of South Main Gardens.

The public hearing opened at 7:51 p.m. Planner Ford stated the applicant proposes to develop Hometowne at Missouri City, which will be a 7.71-acre tract development that is an age-restricted, senior living facility located Northeast of Beltway 8 at the City limits.

Planner Ford indicated Hometowne at Missouri City is planned to consist 108 dwelling units within five multifamily residential buildings and a community clubhouse. Rental rates for a one bedroom (approximately 650 – 750 sq ft) are between \$280/mth to 650/mth and a two bedroom (approximately 950 sq ft) are between \$350/mth to \$745/mth. The associated amenities will be catered meals, a library, internet access, screening room, trash pickup, individual washer/dryer connection and an on-site laundry facility for the residents. The applicant is requesting deviations that would allow for an increase in the number of dwelling units per net platted acre, for an increase in the number of dwelling units per building, for a reduction in the size of the greenbelt, for the installation of Hardie-Plank on patio exterior walls/balconies, for the use of composition shingle roofing, and for a reduction in the minimum number of parking spaces provided.

Mayor Owen questioned the number of garages in the facility. Planner Ford stated there would be 64 garages to accommodate the 108 units. City Manager Simpson indicated that currently, there are no deviations to the garages.

Kenneth W. Fambro, Vice President of Integrated Real Estate Group, indicated Hardie-Plank is being requested for garage structures. Mayor Owen then stated that the residents who utilize the garages should utilize them for the sole purpose of parking their vehicle and not as storage space. Mayor Owen recommended assigned parking or the enforcement of parking garages for parking vehicles should be implement. Mr. Fambro stated they incorporate the purpose of parking garages in the lease agreement.

Councilmember Wyatt indicated the developer should reconsider parking garages because most residents of this community will not own vehicles.

Mayor Pro Tem Reiter questioned the wind resistance rating for the proposed facility. Mr. Fambro stated that although he is unsure of the wind resistance rating, the facilities does adhere to the requirements in the hurricane ordinance for wind resistance.

Mr. Fambro then indicated that the average age of residents would be approximately 73 years of age and that roughly half of the residential population would be single women above the age of 75 years. As an additional amenity to service the community, bus service will be provided to the residents. With no further comments, the public hearing closed at 8:10 p.m.

Mayor Pro Tem Reiter moved to approve the request by **Cesar Corrales of Ted Trout Architect and Associates, Ltd.**, on behalf of the BW8 200, LP, to rezone an approximately 7.712-acre tract of land from MF-1, Multifamily Residential District to PD, Planned Development District to allow for deviations to the City's Zoning Ordinance to locate an **age-restricted, senior living development on the first of two readings**. Councilmember Gibson seconded. **MOTION PASSED.**

Ayes:	Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes:	None

- (c) Public hearing to receive comments for or against a request by **Llarance Turner of Kelly R. Kaluza & Associates, Inc.**, on behalf of II C.B., L.P., to rezone an approximately 54.307-acre tract of land from R-2, Single-Family Residential District to LC-3, **Retail District**; providing a penalty; providing for severability; and to **consider the ordinance on the first of two readings**. The subject site is located at the southeast intersection of US 90A (South Main Street) and South Cravens Road.

The public hearing opened at 8:10 p.m. Planner Ford presented. The applicant, **Llarance Turner, Kelly Kaluza & Associates**, indicated the front acres of this tract of land is currently zoned as an LC-3, Retail District and stated they would like to rezone the remaining 54.307 acres to LC-3, Retail District, in order for it to be one zoning designation. With no further comments, the public hearing closed at 8:13 p.m.

Mayor Pro Tem Reiter moved to approve the request by **Llarance Turner, Kelly R. Kaluza & Associates, Inc.**, on behalf of II C.B., L.P., to rezone an approximately 54.307-acre tract of land from R-2, Single-Family Residential District to LC-3, **Retail District on the first of two readings**. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

10. CONSIDERATION OF ORDINANCES

- (a) Consider an ordinance of the City of Missouri City, Texas, finding and determining that public convenience and necessity no longer require the continued existence in the present location of **Knight Road and its right-of-way from State Highway 6 to Fort Bend Parkway**; providing for the vacation, **closure and abandonment** of such road and right-of-way conditioned on the construction and dedication of a new portion of Knight Road and a portion of the access roads for the Fort Bend Parkway, and the installation of traffic signal modifications at the intersections of the access roads and State Highway 6; directing the City Manager to execute and deliver a certificate of compliance to the abutting property owner; containing other provisions relating to the subject; and to **consider the ordinance on the second and final reading**.

Councilmember Kolaja determined that public convenience and necessity no longer require the continued existence in the present location of **Knight Road and its right-of-way from State Highway 6 to Fort Bend Parkway**; providing for the vacation, **closure and abandonment** of such road and right-of-way conditioned on the construction and dedication of a new portion of Knight Road and a portion of the access roads for the Fort Bend Parkway, and the installation of traffic signal modifications at the intersections of the access roads and State Highway 6; directing the City Manager to execute and deliver a certificate of compliance to the abutting property owner; containing other provisions relating to the subject **on the second and final reading**. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (b) Consider an ordinance of the City of Missouri City, Texas, amending Chapter 2, Administration, of the Code of Ordinances of the City of Missouri City, Texas; removing the designation of **election precincts and polling places** from the Code of Ordinances and providing for such designation by separate ordinance; providing for repeal; and providing for severability; and to **consider on the first of two readings**.

Councilmember Wyatt moved to amend Chapter 2, Administration, of the Code of Ordinances of the City of Missouri City, Texas; removing the designation of **election precincts and polling places** from the Code of Ordinances **on the first of two readings**. Councilmember Jimerson seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

11. CONSIDERATION OF RESOLUTIONS

- (a) Consider a resolution of the City Council of the City of Missouri City, Texas, approving and ratifying submission of the **grant application** for the **Crime Victim Liaison Project** to the Criminal Justice Division of the Office of the Governor and containing other provisions related thereto.

Councilmember Gibson moved to approve the submission of the **grant application** for the **Crime Victim Liaison Project** to the Criminal Justice Division of the Office of the Governor and containing other provisions related thereto. Councilmember Kolaja seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

- (b) Consider a resolution of the City Council of the City of Missouri City, Texas, amending the **schedule of fees** pertaining to the **golf course and related facilities**; and repealing Resolution R-08-37 adopted on December 15, 2008.

City Attorney Kelley stated there would be two changes to the current resolution presented to City Council tonight. The first is to authorize a \$1.00 fee for the issuance of resident ID card. In addition, the second change would be to provide for a 5-percent discount from the unlimited green fees for residents and non-residents, individual and family, under the annual pass provision. That 5-percent provision would be applicable to any person or family who made payment in full at the time of application.

Councilmember Wyatt moved to approve the schedule of fees pertaining to the golf course and related facilities pursuant to recommendations by Staff. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

12. RECEIVING OF REPORTS

There were no reports on this agenda.

13. CLOSED EXECUTIVE SESSION

At 8:17 p.m., Council convened in closed executive session pursuant to chapter 551 of the Texas Government Code, for one or more of the following reasons:

Texas Government Code, Section 551.074 – deliberation on the appointment, employment, evaluation and/or duties of City Manager and Chief of Police.

14. RECONVENE INTO OPEN SESSION

Councilmember Kolaja moved to extend the City Manager's contract for another three years at the current salary. Councilmember Gary seconded. **MOTION PASSED.**

Ayes: Mayor Owen, Mayor Pro Tem Reiter, Councilmembers Wyatt, Jimerson, Gary, Gibson and Kolaja
Noes: None

15. ADJOURN

The meeting adjourned at 9:41 p.m.

Patrice Fogarty, City Secretary